

GNV30AUSA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of) Group Art Unit: 1648
)
James M. Wilson et al) Examiner: Shannon A. Foley
)
Appln No. 09/665,852)
)
Filed: September 20, 2000) July 9, 2002
)
For: COMPOSITIONS AND METHODS FOR)
HELPER-FREE PRODUCTION OF)
ADENO-ASSOCIATED VIRUSES)

FAX RECEIVED

JUL 09 2002

PETITIONS OFFICE


Attention: Office of Petitions
Commissioner for Patents
Box DAC
Washington, DC 20231

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned because the reply filed on March 26, 2002 has been considered not fully responsive to the prior Office Action because of an error in the clean copy of the claims provided with the reply. The date of abandonment is the day after the expiration date of the period set for response to the Office Action dated November 26, 2001.

CERTIFICATE OF TRANSMISSION under 37 CFR 1.8
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Signature

Cathv A. Kodroff

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08/05/2002 CKHLOK

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1280.00 CH

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Applicants authorize the Petition fee of \$1280 to be charged to deposit account 08-3040.

Provided herewith is a supplemental reply requesting that Appendix B (labeled "CLEAN COPY OF PENDING CLAIMS"), which was originally filed with the response on March 26, 2002, be discarded.

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Applicants request that this petition be granted, and that the application be returned to the examiner for further prosecution.

The Director of the US Patent and Trademark Office is authorized to charge any deficiency in the fee associated with the filing of this paper to deposit account 08-3040.

Respectfully submitted,
HOWSON AND HOWSON
Attorneys for the Applicants

By Cathy A. Kodroff
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Enclosures: Supplemental Reply
Additional sheets containing statements establishing unintentional delay

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) -
STATEMENTS ESTABLISHING UNINTENTIONAL DELAY**

Applicants received an Office communication dated July 2, 2002, which indicated that the reply filed on March 26, 2002 is not considered fully responsive to the prior Office Action because the unamended claims in the clean copy of the claims provided in Appendix B to the reply are not identical to the previously pending claims.

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Upon receipt of this communication on July 8, 2002, the undersigned attorney reviewed the file and discovered for the first time that a clerical, word processing, error has resulted in an incorrect set of the unamended claims (claims 2 - 24) being provided in Appendix B. The only amended claim, claim 1, is correct in both the marked-up version and on page 2 of the amendment (and was correct also in Appendix B).

Because the Office communication was received after the expiration of the six month statutory period for response to the Office Action dated November 26, 2001, Applicants are unable to correct the errors in the clean copy of the unamended claims before expiration of the statutory period. Therefore, Applicants are promptly filing this request to revive the application.

Applicants and the undersigned attorney believe that these facts demonstrate that the entire delay in filing the required reply from the due date until the filing of this petition was unintentional.

Respectfully submitted,

HOWSON AND HOWSON
Attorneys for the Applicants

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TO: Office of Petitions
Commissioner for Patents
Washington, DC 20231

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DATE: July 9, 2002

REFERENCE: US Patent Application No. 09/665,852

NUMBER OF PAGES (INCLUDING COVER SHEET): 7

FAX NUMBER OF RECIPIENT: (703) 308-6916

Dear Sirs:

This transmission includes this one (1) page cover sheet and the following papers: a two (2) page Petition for Revival of an Application; a two (2) page paper providing Statements Establishing Unintentional Delay; a two (2) page Letter providing to supplement the reply filed March 26, 2002 to a non-final Office Action.

The Director of the USPTO is hereby authorized to charge any required fee to deposit account 08-3040.

Respectfully submitted,
HOWSON AND HOWSON

CERTIFICATE OF TRANSMISSION under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on July 9, 2002.

By: 

Cathy A. Kodroff
Registration No. 33,980


SignatureCathy A. KodroffTyped or printed name of person signing Certificate

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

) Group Art Unit: 1648

G. Gao et al.

) Examiner: Shanon A. Foley

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LETTER

This paper supplements the reply to a non-final Office action dated November 26, 2001. A petition to revive this application as being unintentionally abandoned accompanies this paper.

Applicants request deletion of Appendix B which accompanied the reply/amendment filed March 26, 2002. Claim 1 is the only amended claim, as shown in the marked-up copy of the pending claims provided in Appendix A of the March 26, 2002 reply.

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A clean copy of amended claim 1 is provided on page 2 of the amendment filed March 26, 2002. Support for this amendment is found in the specification on page 7, lines 8 - 13, page 14, lines 22 - 28, and throughout the specification. No new matter is added by this amendment.

Appendix B correctly provided a clean copy of amended claim 1. However, a clerical error was made during cutting and pasting the other, unamended claims 2 - 24 into Appendix B. No amendments to claims 2 - 24 were intended.

The Director of the US Patent and Trademark Office is authorized to charge any deficiency in the fee associated with the filing of this paper to deposit account 08-3040.

Respectfully submitted,

HOWSON AND HOWSON
Attorneys for the Applicants

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